

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARK FADLEVICH

Case No.: 1:19-cv-04227-AMD-CLP

Plaintiff,

-against-

JD 34TH STREET REALTY LLC,  
GUTMAN, MINTZ, BAKER & SONNENFELDT, LLP,  
and  
ERIC KEILBACH,

Defendants.

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**SECOND STIPULATION OF USE DEPOSITIONS FROM *CRESPO* LAWSUIT**

The Parties enter into this following Second Stipulation to attempt to minimize the accrual of attorney's fees and case expenses in the case at bar.

Counsel for Plaintiff in the instant action are one of the law firms representing the plaintiff in *Crespo v. Gutman, Mintz, Baker & Sonnenfeldt, LLP et al.*, Case No. 1:22-cv-06599-JPO (SD NY) ("*Crespo*"). Counsel for Defendant Gutman, Mintz, Baker & Sonnenfeldt, LLP ("*Gutman LLC*") and Eric Keilbach (collectively the "*Gutman Defendants*") in the instant action is counsel for those same Gutman Defendants in *Crespo*.

On April 21, 2023 the Court So Ordered [DE 93] a Stipulation to use in the instant case transcripts of depositions taken in *Crespo*.

On May 31, 2023 the Plaintiff in the *Crespo* case noticed the depositions of certain 30(b)(1) witnesses of *Crespo*. Many of the factual issues to be addressed in *Crespo* would apply in *Fadlevich*.

Therefore the Parties enter into this Second Stipulation of Use of Depositions from the

*Crespo* lawsuit in an attempt to minimize the accrual of attorney's fees and case expenses in the case at bar.

1. The deposition transcript(s) of the Fed.R.Civ.P. 30(b)(1) Notice of Deposition propounded by the plaintiff on Defendant Gutman LLC on May 31, 2023 in *Crespo* may be used in the instant action as if taken in the instant action;
2. The Parties in the instant case retain the objections made in the above *Crespo* depositions, including as to relevance, the latter which were preserved by stipulation agreed to at the *Crespo* deposition. The Parties also retain the right to object as to relevancy in this action relating to the specific sections of the *Crespo* deposition transcript(s) that relate solely to Mr. Crespo.
3. The Gutman Defendants stipulate that, if plaintiff believes in good faith that a subsequent errata sheet of the above listed witness raise issues that plaintiff believes in good faith he should have a right to explore, the Gutman Defendants consents to a subsequent deposition of said witness(es).

**AGREED:**

Defendants Gutman, Mintz, Baker & Sonnenfeldt, LLP and Eric Keilbach

By: 

Ken Novikoff

Rivkin Radler LLP

Date:

6/7/23

**AGREED:**

Defendant JD 34<sup>th</sup> Street Realty LLC

By: /s/ Arthur Jakoby

Arthur G. Jakoby

Herrick, Feinstein LLP

Date: 06/09/2023

**AGREED:**

Plaintiff Mark Fadlevich

By:       /s/ Ahmad Keshavarz       Date: 06/15/2023  
Ahmad Keshavarz  
The Law Office of Ahmad Keshavarz

**SO ORDERED** this \_\_\_\_\_ day of \_\_\_\_\_, 2023.

\_\_\_\_\_  
**Magistrate Judge Marcia M. Henry**